

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
UNITED STATES OF AMERICA, *et al.*, *ex rel.*
OSWALD BILOTTA,

Plaintiffs and Relator,

v.

NOVARTIS PHARMACEUTICALS CORPORATION,

Defendant.
-----X

11 Civ. 00071 (PGG)
ECF Case

**NOTICE OF MOTION TO
ASSERT CHARGING
LIEN AND TO
DETERMINE
ATTORNEY'S FEES**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in support and such further proceedings as directed by the Court, and all prior proceedings had herein, Petitioner, Patrick A. Klingman, Esq. ("Klingman" or "Petitioner"), an appearing counsel in the above-captioned action, will move this Court, before the Honorable Paul G. Gardephe, at the United States Courthouse, 40 Foley Square, New York, New York, on a date and time to be determined by the Court, to assert a charging lien pursuant to New York Judiciary Law § 475.

Pursuant to Federal Rule of Civil Procedure 54(d)(2)(B), this Motion responds to the Court's July 21, 2020 Order, entered on July 22, 2020 [ECF no. 346], which adopted and endorsed the Stipulation and Order of Settlement and Dismissal between the United States and Relator concerning the payment to Relator of eighteen and one-half percent (18.5%) of the Settlement Amount (as defined therein) in care of Relator's counsel, Shepherd Finkelman Miller & Shah, LLP ("SFMS"). Although Klingman was no longer employed by SFMS, he remained as the only counsel of record for Relator admitted in this Court between July 1, 2012 and June 24, 2013, during which time several pleadings were filed under his name. Consequently, Klingman asserts a charging lien of five percent (5%) of the attorney fees to which SFMS is entitled.

Further, pursuant to this Court's Individual Rules of Practice in Civil Cases, notice is hereby provided that, given the deadline imposed by Federal Rule of Civil Procedure 54(d)(2)(B), the "bundling" of this Motion was not feasible, but Petitioner stands ready to abide by such further proceedings as required by the Court.

Dated: August 3, 2020

Respectfully submitted,

s/ Patrick A. Klingman

Patrick A. Klingman (PK-3658)

Klingman Law, LLC

280 Trumbull Street Floor 21

Hartford, CT 06103

(860) 256-6120

pak@klingmanlaw.com

Peter M. Nolin (PN7062)

Carmody Torrance Sandak & Hennessey LLP

707 Summer Street

Stamford, CT 06901

(203) 425-4200

(203) 325-8608 (facsimile)

pnolin@carmodylaw.com

Counsel for Petitioner,

Patrick A. Klingman